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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/720,045 | 12/18/2000 | Jacques Bauer | GEI-084 | 6820 |
| 47888 | 7590 | 01/09/2006 | EXAMINER | |
| HEDMAN & COSTIGAN P.C. 1185 AVENUE OF THE AMERICAS NEW YORK, NY 10036 | | | RUSSEL, JEFFREY E | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 1654 | |

DATE MAILED: 01/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|---|-----------------------------------|----------------------------------|
| Notice of Non-Compliant Amendment (37 CFR 1.121) | Application No. 09/720,045 | Applicant(s) BAUER ET AL. |
| | Examiner Jeffrey E. Russel | Art Unit 1654 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 13 December 2005 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- 1. Amendments to the specification:
 - A. Amended paragraph(s) do not include markings.
 - B. New paragraph(s) should not be underlined.
 - C. Other See attachment.
- 2. Abstract:
 - A. Not presented on a separate sheet. 37 CFR 1.72.
 - B. Other _____.
- 3. Amendments to the drawings:
 - A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
 - B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
 - C. Other _____.
- 4. Amendments to the claims:
 - A. A complete listing of all of the claims is not present.
 - B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
 - C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
 - D. The claims of this amendment paper have not been presented in ascending numerical order.
 - E. Other: _____.

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/ola/preognitice/officeflyer.pdf>.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted within the time period set forth in the final Office action.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a Quayle action.

Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action.

Failure to timely respond to this notice will result in:

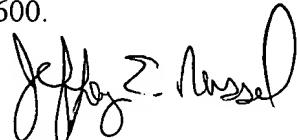
Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action; or

Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

1. The amendments to the specification contained in the response filed December 13, 2005 do not contain any amendment markings as is required by 37 CFR 1.121(b)(1)(ii). As noted in the Quayle action mailed August 26, 2005, section (A), the amendment markings must be based upon the brief description of the drawings submitted on February 5, 2004.
2. The Sequence Listing statements filed December 13, 2005 are acceptable. The Sequence Listing filed March 28, 2003 is approved.
3. The restriction requirement set forth in the Quayle action mailed August 26, 2005, section (B), is maintained. Claims 54-56 are withdrawn from consideration as being drawn to a nonelected invention. Because the subject matter of claims 54-56 is drawn to an invention patentably distinct from that originally claimed, and because a search of claims 54-56 would require new structure searches separate from those already performed, examination of the new claims would constitute an undue burden upon the examiner.
4. The amendment to the claims filed December 13, 2005 overcomes the objection to claim 36 set forth in section (E) of the Quayle action, and overcomes the objections to claims 49-52 set forth in section (F) of the Quayle action.
5. Applicants did not respond to the objection to claim 49 set forth in section (E) of the Quayle action mailed August 26, 2005. Note that this extraneous period now occurs at line 11 of the claim.
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey E. Russel at telephone number (571) 272-0969. The examiner can normally be reached on Monday-Thursday from 8:30 A.M. to 6:00 P.M. The examiner can also be reached on alternate Fridays.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Bruce Campell can be reached at (571) 272-0974. The fax number for formal communications to be entered into the record is (571) 273-8300; for informal communications such as proposed amendments, the fax number (571) 273-0969 can be used. The telephone number for the Technology Center 1600 receptionist is (571) 272-1600.



Jeffrey E. Russel

Primary Patent Examiner

Art Unit 1654

JRussel

January 5, 2006